

REMARKS

Amendment in the specification

The title is amended to correct an error in translation.

Amendments in the claims

Following amendment as requested herein, the following claims are pending in the present application: Claims 1-25. No new matter is introduced by the present amendment and no change in inventorship is believed to result. Specifically:

Claims 7, 8 and 19 have been amended to remove either the word “prevention” or “prophylaxis”.

Claim 20 has been amended to independent form by incorporation of the elements of Claims 7 and 19 from which it depends and rephrased.

Applicant reserves the right to pursue any canceled subject matter and/or any other subject matter disclosed in this application in one or more later-filed divisional and/or continuation applications.

RESPONSE TO OFFICE ACTION DATED 18 JULY 2007

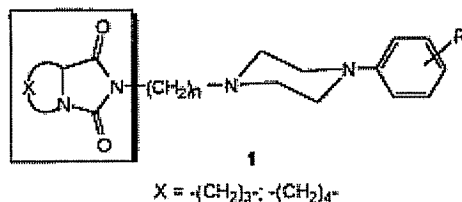
1. Allowance

The present Action acknowledges the allowance of Claims 1-6, 9-18 and 21-25 on page 2 of the present Action. Applicant notes that the Office Action Summary sheet states that Claims 1-6, 9-18 and 22-25 are allowed. Applicant presumes Claim 21 is allowed as it was not rejected or objected to in the Office Action. Confirmation of allowance of Claim 21 is requested.

2. Office Action's Statements Regarding Closest Prior Art

The present Action states, “The closest prior art related to the formula I is compound RN 65191-58-4, taught by Cheng, J.D. [US Pat. 4,055,410]” (present Action, page 6, lines 6-7). Applicant acknowledges Examiner's identification that this species as well as other subject matter of US Pat. 4,055,410 (directed to chloroacetamide herbicides) do not meet the R₄ definition of instant Formula I. In addition, Applicant would like to further point out that all the species of US Pat. 4,055,410 also do not meet the R₃ definition of instant Formula I, as a haloacetamide group is not an option for R₃ in Formula I. Moreover, Applicant notes that

the species-compounds of US Pat. 4,055,410 are not closer to Formula I than the arylpiperazine derivative depicted in López-Rodriguez, M., *et al.*, Bioorg. Med. Chem. Lett. 8: 581-586 (1998), cited in Applicant's IDS filed on 13 July 2007:



2. Specification

The present Action notes that Tables 1 and 2 are missing from the specification on file. Applicant submits that Tables 1 and 2 were provided separately as the last two pages of the specification as filed. In any case, Applicant has enclosed Tables 1 and 2 (as originally filed) herewith.

3. Rejections Under 35 U.S.C. §112, First Paragraph

Claims 7, 8 and 19 have been rejected under 35 U.S.C. §112, first paragraph, for allegedly not enabling the terms “prevention” or “prophylaxis”. Applicant submits that the specification is enabling for prevention or prophylaxis for at least the following reasons (all references to page and line numbers refer to the application as filed):

- (1) Example 26 clearly demonstrates a model of prevention as the test compounds were administered 30 minutes before the induction of ischemia as well as afterward. Example 26 goes on to state that delivery of the compounds prevented the injury induced by the ischemic process.
(Example 26, page 25, lines 1-5, emphasis added)
- (2) The specification states “They [the compounds] are also suitable for prophylaxis and treatment of neuronal damage in episodes of infarction.”
(page 6, lines 17-21, emphasis added)
- (3) The specification further states “...the neuroprotective activity of the compounds disclosed in the present invention has been studied,

considering their capacity to prevent cell death, of a necrotic or apoptotic nature, in primary neuronal cultures and studying *in vivo* the prevention of neuronal death in the hippocampal area CA1 of gerbils after transient global ischemia as well as the reduction in volume of cerebral infarction after permanent occlusion in the middle cerebral artery in rats.” (page 9, lines 29-34 bridging to page 10, lines 1-3, emphasis added)

Although Applicant submits that the specification enables prevention or prophylaxis, Applicant has amended the claims as suggested by the Examiner in the interest of reaching allowance. Further, as stated above, Applicant reserves the right to pursue the cancelled subject matter in one or more continuation applications. Therefore, Applicant respectfully requests withdrawal of the rejection of Claims 7, 8 and 19 under 35 U.S.C. §112, first paragraph.

4. Objection to Claim 20

Claim 20 has been objected to as being dependent on a rejected base claim, but would be allowable if written in independent form. In response, Applicant has amended Claim 20 to independent form by incorporating Claims 7 and 19 from which it depends. Therefore, Applicant respectfully requests withdrawal of the Claim 20 objection.

* * * * *

Applicant submits that the claims are in condition for allowance. Applicant does not believe any fee is owed in connection with this filing. If, however, Applicant does owe any such fee(s), the Commissioner is hereby authorized to charge those fee(s) to Deposit Account No. **08-0750**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §§1.16 and 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or credit overpayment to Deposit Account No. **08-0750**.

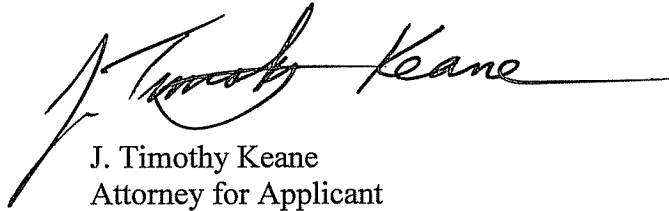
Serial No. 10/522,697

6102-000042/US/NP

Amendment and response to Office Action dated 18 July 2007 (Amendment C)

Applicant requests that the Examiner call the undersigned if any questions arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Timothy Keane". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J. Timothy Keane

Attorney for Applicant

Reg. No. 27,808

Harness, Dickey & Pierce, PLC

7700 Bonhomme, Suite 400

St. Louis, Missouri 63105

314-726-7518 (tel)

314-726-7501 (fax)

Attachment

Tables 1 and 2